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HONOURABLE SRI JUSTICE B.PRAKASH RAO
AND
HONOURABLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO:15660 of 2006

DATED: 10-08-2006

Between:

1. The Government of Andhra Pradesh, rep.by is Principal Secretary to Government, Transport, Roads & Buildings Department, Secretariat, Hyderabad and another.

.....
PETITIONERS

AND

T.Madhusudhan Reddy

.....RESPONDENT

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ORDER:(per RR,J)

Heard both sides, and at their request, the main writ petition itself is taken up for disposal.

Aggrieved by the order passed in M.A.No.1535 of 2006 in

O.A.No.2255 of 2006 dated 26-06-2006, the present writ petition is filed.

In the aforesaid MA, the respondent-applicant sought for a direction to the petitioners to promote him as a Deputy Transport Commissioner if his name has already been included in the panel for promotion, or alternatively, not to delete his name from the panel of promotion as Deputy Transport Commissioner.

The Tribunal recorded the fact that when the MA came up for consideration along with VMA on 14-06-2006, the Government Pleader sought time to get instructions as to why it is proposed to delete the name of the applicant from the list of candidates who had been expanelled for the post of Deputy Transport Commissioner. The Tribunal also noted that no counter-affidavit had been filed and that the Government Pleader had stated that he could not get instructions as to why the name of the respondent-applicant was sought to be deleted. The Tribunal directed the petitioners herein not to delete the name of the respondent-applicant from the approved panel, if he had already been empanelled for the post of Deputy Transport Commissioner, pending further orders.

Learned Government Pleader for Services II would refer to the proceedings of the Transport Commissioner dated 06-04-2006

whereunder the petitioner was awarded the punishment of stoppage of four increments with cumulative effect. He would also refer to G.O.Ms.No.342 dated 04-08-1997 whereunder it has been specified that in cases where any Government employee is awarded the penalty of stoppage of increments with cumulative effect, he would not be considered for promotion/appointment by transfer for twice the period, with a minimum of one year, both for selection and non-selection posts. Learned Government Pleader would submit that the interim order now passed by the Tribunal, not to delete the name of the petitioner from approved panel, in effect, amounts to granting him the relief which he had sought for in the main OA.

Sri M.Panduranga Rao, learned counsel for the respondent-applicant, on the other hand, submits that mere inclusion of a candidate in the approved panel would not automatically entitle him to claim that he would be appointed by promotion to the post. Learned counsel would further submit that in case the respondent-applicant succeeds in the OA, the interim order, in effect, would enable him to be promoted without the necessity of a review DPC being constituted. Learned counsel would reiterate that the interim order of the tribunal cannot be construed as an order promoting the respondent-applicant as a Deputy Transport Commissioner and that no prejudice would be caused to the petitioners herein if the

respondent's name was continued to be retained in the list of approved candidates for promotion to the post of Deputy Transport Commissioner.

Recording the said submission of Sri M.Pandu Ranga Rao, learned counsel for the respondent, that the respondent-applicant does not claim promotion to the post of Deputy Transport Commissioner pending final orders being passed in the OA, we consider it appropriate to dispose of the writ petition itself directing the Tribunal to dispose of the main OA within a period of three months from the date of receipt of a copy of this order. It is needless to mention that the respondent's continuance in the panel would be subject to the final orders which may be passed in the OA.

The writ petition is accordingly disposed of. However, in the circumstances, without costs.

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B.PRAKASH RAO, J

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RAMESH RANGANATHAN, J

10th August, 2006

SKM